**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL WRIT PETITINO NO.895 OF 2006**

1. Manish Suryakant Dhakka,
2. Rajesh Suryakant Dhakka. ...Petitioners.

**Versus**

Dy.Inspector General of
Prison and Ors. ...Respondents.

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Mr.Niranjan Mundargi, Advocate for the Petitioners

Mrs.A.S.Pai, APP, for the State.

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**CORAM : D.G.DESHPANDE AND**
**SMT.V.K.TAHILRAMANI,JJ.**

**DATE : MAY 04, 2006.**

P.C.

. Heard Mr.Mundargi learned Advocate for the petitioners and Mrs.Pai learned APP for the State.

2. Rule. By consent Rule is made returnable forthwith and heard finally.

3. The petitioners are brothers. It is an admitted position that petitioner No.1 Manish Dhakka applied for furlough leave to the Deputy Inspector General of Prison, Western Region, Pune-6. An opinion was called for from Juhu

Police Station, Mumbai and a favourable opinion was given by the said police station. Hence, furlough leave came to be sanctioned to petitioner No.1 Manish Dhakka for fourteen days. The surety bond was sent to the Commissioner of Police, Mumbai for completion and return. However, as per Ville Parle Police Station letter No.325 of 2005 dated 14.1.2005, the said bond was returned unacted on as the surety did not remain present in the police station with the witnesses for signature on the surety bond.

. As far as petitioner No.2 Rajesh Dhakka is concerned, the Deputy Inspector General of Prison, Western Region, Pune-6, vide order dated 22.7.2003 sanctioned furlough leave to petitioner No.2 Rajesh Dhakka for fourteen days. The surety bond was sent to the Commissioner of Police, Mumbai for completion and return. However, the surety bond was not received back from the police station.

. In these circumstances, both the petitioners were not released on furlough. Now, the petitioners are seeking furlough leave.

4. It is stated by Mr.Mundargi learned Advocate for the petitioners that the mother of the petitioners, who was to stand as surety for both the petitioners, could not remain present on the said earlier dates before the concerned police stations to execute the surety bond. However, now the mother of the petitioners will remain present before the concerned police stations and comply with all the necessary formalities.

5. In this view of the matter, on necessary formalities being complied with, the petitioners to be released on furlough for fourteen days on the usual terms and conditions. In addition thereto, they shall report to the concerned police station twice a week during the period that they are on furlough.

6. Rule is made absolute in above terms.

**(D.G.DESHPANDE, J.)**

**(SMT.V.K.TAHILRAMANI,J.)**